

08-06-01

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PTO/SB/05 (11-00)

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08/03/01
JCSAS U.S. PTO

UTILITY
PATENT APPLICATION
TRANSMITTAL

Attorney Docket No.	CJB-0106
First Inventor	PAUL J. BERLOWTIZ, et.al.
Title	WIDE CUT FISCHER-TROPSCH DIESEL FUELS
Express Mail Label No.	EF312156768US

for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents
Box Patent Application
Washington, DC 20231

J1050 U.S. PTO
09/922321
08/03/01

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification (preferred arrangement set forth below) Total Pages
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets
5. ☐ Oath or Declaration Total Pages
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d) (for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other:
 - > COMMUNICATION
 - > EXTENTION OF TIME (FOR PARENT 09/562,454)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No.: 09 / 562,454

Prior application information: Examiner: MARGARET B. MEDLEY

Group / Art Unit: 1714

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. FEE CALCULATION

CLAIMS AS FILED				
(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Basic Fee \$710.00
Total Claims	37 - 20	17	x 18.00	\$306.00
Independent Claims	3 - 3	0	x 80.00	0
Multiple Dependent Claim Fee			+ 270.00	\$270.00
TOTAL FILING FEE				\$1286.00

☐ Fee for recording Assignment (\$40.00).

☒ Please charge Deposit Account No. 05-1330 in the amount of \$1286.00.

☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 05-1330. A duplicate copy of this Form is enclosed.

20. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

PATENT TRADEMARK OFFICE					
Name	CHARLES J. BRUMLIK				
	ExxonMobil Research and Engineering Company (formerly Exxon Research and Engineering Company)				
Address	P. O. Box 900				
City	Annandale	State	New Jersey	Zip Code	08801-0900
Country	United States of America	Telephone	(908) 730-3634	Fax	(908) 730-3649

Name (Print / Type)	CHARLES J. BRUMLIK	Registration No. (Attorney / Agent)	42,367
Signature	<i>Charles J. Brumlik</i>	Date	8/2/01

☒ Pursuant to 37 CFR 1.34(a)

☒ "Express Mail" mailing label number EF312156768US . Date of Deposit AUGUST 3, 2001

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TERESA L. LACHOWSKI

(Typed or printed name of person mailing paper or fee)

Teresa L. Lachowski
(Signature of person mailing paper or fee)

"PATENT"

AMENDMENT TRANSMITTAL FORM

In re application of: PAUL J. BERLOWITZ, et.al.

) Before the Examiner

) Margaret B. Medley

U. S. Serial No.: 09/562,454

)

Filed: May 2, 2000

)

For: WIDE CUT FISCHER-TROPSCH DIESEL FUELS

) Group Art Unit

) 1714

THE COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

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TERESA L. LACHOWSKI

(Typed or printed name of person mailing paper or fee)

Teresa L. Lachowski
(Signature of person mailing paper or fee)

Transmittal herewith is an amendment/response in the above-identified application.

Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made, if and to the extent, required. The fee for this extension of time is calculated to be \$ _____ to extend the time for filing this response until _____.

The fee for any changes in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7)
Total Claims	*	Minus	**		x 18.00	
Indep. Claims	*	Minus	***		x 80.00	
MULTIPLE DEPENDENT CLAIM FEE					\$270.00	
FEE FOR CLAIM CHANGES						

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.



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is calculated to be \$ 390.00.

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8/2/01

Charles J. Brunk

Post Office Address
(to which correspondence is to be sent):

ExxonMobil Research and Engineering Company
P. O. Box 900 / Clinton Township
Annandale, New Jersey 08801-0900
CJB:gfs:August 1, 2001:09/562,454 (CIP CJB-0106).doc

Registration No. 42,367

☒ Pursuant to 37 CFR 1.34(a)

[illegible]

"PATENT"

AMENDMENT TRANSMITTAL FORM

In re application of: PAUL J. BERLOWITZ, et.al.) Before the Examiner
) TBA
U. S. Serial No.: TBA (Based on Parent 09-562,454 filed)
May 2, 2000)
Filed: August 3, 2001)
For: WIDE CUT FISCHER-TROPSCH DIESEL FUELS) Group Art Unit
) TBA

THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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TERESA L. LACHOWSKI
(Typed or printed name of person mailing paper or fee)
Teresa L. Lachowski
(Signature of person mailing paper or fee)

Transmittal herewith is an amendment/response in the above-identified application.

Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made, if and to the extent,
required. The fee for this extension of time is calculated to be \$ _____ to extend the time for
filing this response until _____.

The fee for any changes in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7)
Total Claims	*	Minus	**		x 18.00	
Indep. Claims	*	Minus	***		x 80.00	
MULTIPLE DEPENDENT CLAIM FEE					\$270.00	
FEE FOR CLAIM CHANGES						

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

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The total fee for this **Communication**, including claim changes and any extension of time is calculated to be \$ 0.

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8/2/01

Date of Signature

Charles J. Brumlik

Attorney or Agent of Record
CHARLES J. BRUMLIK

Post Office Address
(to which correspondence is to be sent):

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CJB:gfs:August 1, 2001:CJB-0106(CIP of 09-562,454).doc

Registration No. 42,367

☒ Pursuant to 37 CFR 1.34(a)

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
PAUL J. BERLOWITZ, et.al) Before the Examiner
) TBA
)
U. S. Serial No. TBA (Based on Parent 09/562,454)
filed May 2, 2000))
)
Filed: August 3, 2001)
) Group Art Unit
WIDE CUT FISCHER-TROPSCH DIESEL FUELS) TBA
)

Commissioner for Patents
Washington, DC 20231

Sir:

COMMUNICATION

As soon as the serial number and filing date have been accorded this CIP application, please abandon its parent 09/562,454.

In the parent to this CIP, the claims were rejected in Office Action (paper no. 5) dated March 5, 2001. Applicants would like to bring to the Examiner's attention that the claims of this CIP were amended to overcome the objections in the parent.

<input checked="checked" type="checkbox"/> "Express Mail" Mailing Label Number EF312156768US	Date of Deposit August 3, 2001
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TERESA L. LACHOWSKI (Typed or printed name of person mailing paper or fee)	<i>Teresa L. Lachowski</i> (Signature of person mailing paper or fee)



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Claim rejections - §112

The Office Action rejected claims 1-20 of this CIP's parent under 35 USC §112. The claims have been amended to convert Fahrenheit values to Celsius. However, Applicant wish to express that it is well known in the art that cold filter plugging point (CFPP) is normally expressed in degrees Fahrenheit.

The cold filter plugging point (CFPP) is a standard property of oils. The CFPP and related tests described in the parent are summarized in paragraph [0004] of this CIP application. However, this CIP application is being filed to address other issues and not the §112 objection.

Applicants believe that the §112 objection is not applicable since cold filter plugging point (CFPP) and the IP-309 test listed in the parent case are well known in the art. One skilled in the art (as do most petroleum testing labs) would know how to find the IP-309 specification in the book Standard Methods, 59th Ed., Institute of Petroleum, Wiley Publ., 2000.

Claim rejections - §103(a)

The Office Action rejected claims 8-15 of this CIP's parent under 35 USC §103(a) over Berlowitz, *et al* (WO 99/13031).

Berlowitz describes on page 9, line 1 a Fischer-Tropsch diesel fuel with a conventional fuel boiling at 250 to 700 °F (121 °C to 427 °C). The present invention claims different and larger boiling ranges than Berlowitz. Applicants found in the present invention that a higher boiling Y-cut of Fischer-Tropsch fuel boils over a larger boiling point range, but does not degrade emulsion emission performance, in contrast to what is observed with petroleum fuels. Higher boiling fuels without corresponding higher emissions is a great advance in diesel technology.

Respectfully submitted,

Charles J Brunk

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Attorney for the Applicant(s)
Registration No. 42,367
Telephone No. (908) 730-3634

☒ Pursuant to 37 CFR § 1.34(a)

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